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09/611,996	07/07/2000	ALAIN MARBACH	SAA-42	6583

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EXAMINER

ALAM, UZMA

ART UNIT PAPER NUMBER

2157

DATE MAILED: 07/16/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/611,996

Applicant(s)

MARBACH ET AL.

Examiner

Uzma Alam

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>4</u> . | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

This action is responsive to the application filed on July 7, 2000. Claims 1-20 are pending. Claims 1-20 represent a system and method for remotely controlling a device.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 4, 7, 11, 13-16, and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claims 1, 7, and 17, the features of the invention are not clear. In the feature "sensing a signal," it is not determined from where the signal is received.

The features "transmitting an object" and "the object," are not defined and the term "object" is vague.

As per claims 4 and 11, the term "Java-like" is not distinct.

As per claims 13-16, there is no antecedent basis for the "method of claim 7." It should be the "notification system."

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2157

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-11, 15, and 17-19 rejected under 35 U.S.C. 102(b) as being anticipated by Gaw et al. International Publication Number WO 98/53581. Gaw et al. disclose the invention substantially as claimed including a control data networking system (see abstract).

As per claim 1, Gaw discloses a method of providing notification to an operator of an automation network having an intelligent automation device and a network device located on the automation network, the method comprising the steps of:

sensing a signal from the network device (getting a signal; page 1, lines 19-31; page 2, lines 20-30; page 4, lines 5-13; page 8, lines 1-7);

transmitting an object to a receiving device operably connected to the network for notifying the operator, the object being responsive to the signal (notifying the operator; page 3, lines 13-29, page 4, lines 5-13; page 5, lines 12-32; page 6, lines 1-5; page 9, lines 23-32; page 10, lines 3-17; page 11, line 1-20).

As per claim 2, Gaw discloses the method of claim 1 wherein the receiving device comprises means for displaying the object (displaying the object; page 2, line 20-32; page 3, lines 1-29; page 4, lines 25-32; page 5, line 1; page 8, lines 25-32; page 9, lines 23-32).

Art Unit: 2157

As per claim 3, Gaw discloses the method of claim 2 wherein the means for displaying the object is a web browser (displaying the object on a web browser; page 2, lines 20-32; page 3, lines 1-29; page 4, lines 24-32; page 5, line 1; page 8, lines 25-32; page 9, lines 24-32).

As per claim 4, Gaw discloses the method of claim 3 wherein the object is a Java-like program (the object is a object oriented program; page 2, lines 20-30; page 3, lines 13-29; page 4, lines 24-32; page 5, line 1; page 8, lines 25-32; page 9, lines 24-32).

As per claim 6, Gaw discloses the method of claim 1 further including transmitting a response to the intelligent automation device (sending a message to the device; page 6, lines 1-8; page 9, lines 24-32; page 10, lines 3-18; page 11, lines 10-20).

As per claim 7, Gaw discloses a notification system for an automation network having a network device located on the automation network, the notification system comprising:

a sensor for monitoring the network device, the sensor being operably connected to the automation network (getting a signal from a sensor on the device; page 1, lines 19-31; page 2, lines 20-30; page 4, lines 5-13; page 8, lines 1-7);

an intelligent automation device operably connected and responsive to the sensor, the intelligent automation device having an object (sending a signal; page 3, lines 13-29, page 4, lines 5-13; page 5, lines 12-32; page 6, lines 1-5; page 9, lines 23-32; page 10, lines 3-17; page 11, line 1-20); and,

Art Unit: 2157

a receiving device operably connected to the automation network, wherein the intelligent automation device transmits the object to the receiving device to notify the operator (notifying the operator; page 3, lines 13-29, page 4, lines 5-13; page 5, lines 12-32; page 6, lines 1-5; page 9, lines 23-32; page 10, lines 3-17; page 11, line 1-20).

As per claim 8, Gaw discloses the notification system of claim 7 wherein the receiving device comprises software module to interact with the intelligent automation device (sending a message to the device; page 6, lines 1-8; page 9, lines 24-32; page 10, lines 3-18; page 11, lines 10-20).

As per claim 9, Gaw discloses the notification system of claim 7 wherein the receiving device has means for displaying the object (displaying the object; page 2, line 20-32; page 3, lines 1-29; page 4, lines 25-32; page 5, line 1; page 8, lines 25-32; page 9, lines 23-32).

As per claim 10, Gaw discloses the notification system of claim 9 wherein the means for displaying comprises a web browser (displaying the object on a web browser; page 2, lines 20-32; page 3, lines 1-29; page 4, lines 24-32; page 5, line 1; page 8, lines 25-32; page 9, lines 24-32).

As per claim 11, Gaw discloses the method of claim 10 wherein the object is a Java-like program (the object is a object oriented program; page 2, lines 20-30; page 3, lines 13-29; page 4, lines 24-32; page 5, line 1; page 8, lines 25-32; page 9, lines 24-32).

As per claim 15, Gaw discloses the method of claim 7 wherein the object is a hyper text markup language (HTML) (the object is HTML; page 3, lines 1-13; page 5, lines 26-32; page 9, line 1-23).

As per claim 17, Gaw discloses a notification system for an automation network having an intelligent automation device responsive to a network device located on the automation network, the notification system comprising:

an object embedded in the intelligent automation device (an object in the device; page 3, lines 13-29, page 4, lines 5-13; page 5, lines 12-32; page 6, lines 1-5; page 9, lines 23-32; page 10, lines 3-17; page 11, line 1-20) and,

a receiving crevice operably connected to the intelligent automation device, wherein the intelligent automation device transmits the object to the receiving device (sending the object to the receiving device; page 3, lines 13-29, page 4, lines 5-13; page 5, lines 12-32; page 6, lines 1-5; page 9, lines 23-32; page 10, lines 3-17; page 11, line 1-20).

As per claim 18, Gaw discloses the notification system of claim 17 wherein the receiving device comprises a software module to interact with the intelligent automation device (sending a message to the device; page 6, lines 1-8; page 9, lines 24-32; page 10, lines 3-18; page 11, lines 10-20).

As per claim 19, Gaw discloses the notification system of claim 17 wherein the receiving

Art Unit: 2157

device has means for displaying the object (displaying the object; page 2, line 20-32; page 3, lines 1-29; page 4, lines 25-32; page 5, line 1; page 8, lines 25-32; page 9, lines 23-32).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 12, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gaw et al. International Publication Number WO 98/53581 in view of Krivoshein US Patent No. 6,449,715. Krivoshein discloses the invention substantially as claimed including a configuration system in a process control network (see abstract).

Gaw discloses the method and notification system of claims 1, 7 and 19 wherein the intelligent automation device is a control system (page 8, lines 8-24). Gaw does not explicitly disclose a programmable logic controller. Krivoshein discloses a programmable logic controller (column 8, lines 21-50).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the control device of Gaw with the programmable logic controller of Krivoshein. A person of ordinary skill in the art would have been motivated to do this to be able to configure and diagnose the communication devices being controlled.



Art Unit: 2157

Claims 13 and 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Gaw et al. International Publication Number WO 98/53581 in view of Harris et al. US Patent Application Publication No. 2001/0033243 A1. Harris discloses the invention substantially as claimed including an online remote control configuration system (see abstract).

As per claim 13, Gaw discloses the method of claim 7 wherein the object is displayable on a web browser (see claims 3 and 7). Gaw does not explicitly disclose the object being an extensible markup language (XML). Harris discloses the object being an extensible markup language. See paragraph 0069. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the object being displayed on a web browser of Gaw with the XML of Harris. A person of ordinary skill in the art would have been motivated to do this to format web page code.

As per claim 16, Gaw discloses the method of claim 7 wherein the object is a object oriented programming language (see claims 1, 4, and 7). Gaw does not explicitly disclose a WML language. Harris discloses a WML language. See paragraph 0069. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the object being displayed on a web browser of Gaw with the WML of Harris. A person of ordinary skill in the art would have been motivated to do this to format web page code.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gaw et al. International Publication Number WO 98/53581 in view of Vaio US Patent No. 6,271,752.

Art Unit: 2157

Vaios discloses the invention substantially as claimed including a multi-access remote system (see abstract).

Gaw discloses the method of claim 7 wherein the object is an object oriented program. See claims 1, 4, and 7. Gaw does not explicitly disclose that the object is a wireless application protocol (WAP). Vaios discloses that the object is a wireless application protocol. See Figure 1. It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the communication of an object of Gaw with the WAP of Vaios. A person of ordinary skill in the art would have been motivated to do this because WAP is a standard for applications that use wireless communications (such as receiving Internet access from a mobile phone), so one of ordinary skill in the art would have been motivated to combine WAP so that a device could be controlled from a wireless device.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Crater et al. U.S. Patent No. 5,805,442 discloses remote access to an integrated control system.

Kemink et al. U.S. Patent No. 6,563,430 discloses a user control interface.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uzma Alam whose telephone number is (703) 305-8420. The examiner can normally be reached on Monday - Friday 8:30 - 5.

Art Unit: 2157

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703) 308 - 7562. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-9052 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

ua

July 12, 2003



**SALEH NAJJAR  
PRIMARY EXAMINER**